

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 08/15/2005	NUMBER 06.05.104
SUBJECT PAROLE PROCESS		SUPERSEDES 06.05.104 (02/01/05)	
		AUTHORITY MCL 780.751 et seq.; 791.203; 791.231a - 791.237; 791.242; 791.244; Administrative Rules 791.7715; 791.7716	
		ACA STANDARDS 2-1075; 2-1078; 2-1082 through 2-1084; 2-1086; 2-1087; 2-1090 through 1097; 4-4446	
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POLICY STATEMENT:

The Department shall ensure only prisoners who are eligible for and granted parole by the Parole Board are released on parole, as set forth in this policy. There is no right to parole.

RELATED POLICIES:

06.02.120	Parole Loans
06.05.100	Parole Guidelines
06.05.103	Parole Eligibility/Lifer Review Reports
06.06.115	Intensive Parole Reentry Program

POLICY:

GENERAL INFORMATION

- A. This policy does not apply to prisoners in the Special Alternative Incarceration Program.
- B. The Parole Board Chairperson shall ensure that an informational booklet explaining the parole process maintained. The booklet shall be available for prisoner review in each institutional library or in another area designated by the facility head where no library exists (e.g., corrections centers). A copy of the information contained in the booklet shall be included in the Prisoner Guidebook, as set forth in PD 04.01.130 "Prisoner Guidebook".
- C. A Department employee shall not make a recommendation to the Parole Board for or against parole of a prisoner, except if the employee is the victim of the offense for which the prisoner is serving. If the employee is the victim, s/he may address, or submit a written statement for consideration by, the Parole Board pursuant to the Crime Victim's Rights Act and PD 01.06.120 "Victim Notification".
- D. Notice of Parole Board actions shall be provided to victims and other persons who have requested to receive notice as set forth in PD 01.06.120 "Victim Notification".

PAROLE ELIGIBILITY DATE

- E. Except as set forth in Paragraph F, the parole eligibility date of prisoners serving a sentence of a term of years is the calendar minimum less any applicable good time or disciplinary credits or, for habitual offenders, as set forth in PD 03.01.102 "Habitual Offenders". These prisoners shall be eligible for a special parole prior to their parole eligibility date only with the approval of the sentencing judge or his/her successor in office. The approval must be in writing and clearly indicate that jurisdiction is given to the Parole Board to grant parole prior to the prisoner's parole eligibility date, and must be received by the Parole Board directly from the sentencing judge or his/her successor. A Department employee shall not make a recommendation to the sentencing judge or his/her successor in office for or against the grant of jurisdiction to the Parole Board. Prisoners serving a sentence for a Proposal B offense, including habitual offenders whose underlying offense is a Proposal B offense, are not eligible to be considered for special parole.

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- F. Pursuant to MCL 791.234, as amended by Public Act 670 of 2002, prisoners convicted prior to March 1, 2003, of certain violations of the Controlled Substances Act are eligible for parole on that sentence as follows:
1. If serving a sentence for a violation of MCL 333.7401(2)(a)(ii) or MCL 333.7403(2)(a)(ii), after serving the calendar minimum less any applicable credits for that violation or after serving 10 years of the sentence, whichever is less.
 2. If serving a sentence for a violation of MCL 333.7401(2)(a)(iii) or MCL 333.7403(2)(a)(iii), after serving the calendar minimum less any applicable credits for that violation or after serving 5 years of the sentence, whichever is less.
 3. If serving a sentence for a violation of MCL 333.7401(2)(a)(iv) or MCL 333.7403(2)(a)(iv) that is consecutive to a sentence for a violation of MCL 333.7401(2)(a)(i) to (iv) or MCL 333.7403(2)(a)(i) to (iv), after serving the calendar minimum less any applicable credits for that violation or after serving one-half of the minimum sentence ordered by the court. However, this does not apply if the offense was committed while the prisoner was on probation or parole.

Life Sentences

- G. Prisoners who are serving a life sentence for violating or conspiring to violate MCL 333.7401(2)(a)(i) of the Controlled Substances Act are eligible for parole after serving 17-1/2 calendar years of the sentence or, if the prisoner has a prior or another current conviction for committing or conspiring to commit a serious offense, after serving 20 calendar years. (Attachment A identifies those offenses which are considered serious offenses pursuant to MCL 791.234.) The 20 or 17-1/2 year period may be reduced by 2-1/2 years if the prisoner cooperated with law enforcement authorities. For prisoners sentenced on or after October 1, 1998, this shall apply only if it is stated on the Judgment of Sentence that the prisoner cooperated. Prisoners sentenced prior to that date who believe they are eligible for the 2-1/2 year reduction shall be responsible for contacting the sentencing court to obtain an order from the sentencing judge or his/her successor indicating the prisoner cooperated. The court order must be sent directly from the court to the Parole Board; a letter from the judge shall not be sufficient. Upon receipt of such an order, the Parole Board Chair shall ensure that the prisoner's parole consideration date reflects the 2-1/2 year reduction.
- H. Prisoners serving a non-parolable life sentence (e.g., for a violation of MCL 750.316 "Murder in the First Degree"; certain provisions of MCL 750.200 through 750.212a regarding explosives, bombs and other harmful devices"; certain provisions of MCL 750.16 and 750.18 regarding the adulteration and misbranding of drugs and medicine, certain provisions of MCL 333.17764 of the Public Health Code) are not eligible for parole consideration.
- I. All other prisoners serving a life sentence are eligible for parole consideration as follows:
1. Prisoners sentenced for an offense committed before October 1, 1992 are eligible for parole after serving ten calendar years of the life sentence. This includes prisoners serving a life sentence for violating or conspiring to violate MCL 333.7403(2)(a)(i) of the Controlled Substances Act.
 2. Prisoners sentenced for an offense committed on or after October 1, 1992 are eligible for parole after serving 15 calendar years of the life sentence. This includes prisoners serving a life sentence for violating or conspiring to violate MCL 333.7403(2)(a)(i) of the Controlled Substances Act.

PAROLE BOARD INTERVIEWS

- J. In accordance with PD 06.05.100 "Parole Guidelines", the Parole Board may deny parole without an

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interview if the prisoner's parole guideline score indicates a low probability that parole will be granted. The Parole Board may grant parole without an interview if the prisoner's parole guideline score indicates a high probability that parole will be granted, except that a prisoner who is serving for a sex offense or an offense involving the death of a victim shall not be paroled without an interview. However, parole shall be granted only after a review of the prisoner's Central Office file, including the Pre-Sentence Investigation Report and the most recent Parole Eligibility/Lifer Review Report, and any additional reports requested by the Parole Board. All other prisoners serving a sentence of a term of years, including prisoners whose parole guideline score indicates an average probability of parole, shall be interviewed by the Parole Board prior to a decision being made whether to grant or deny parole.

- K. Parole interviews shall be conducted at least 30 calendar days prior to the prisoner's parole eligibility date or, if eligible for parole within 30 calendar days of arrival at a reception facility, as soon as possible. Parole interviews following a continuance shall be conducted at least 30 calendar days prior to the reconsideration date indicated by the Parole Board on the appropriate Parole Board Notice of Decision (CFJ-279). If a parole interview is not conducted in a timely manner and the prisoner is issued a continuance, the prisoner's next parole interview shall be scheduled as if the previous interview was conducted in a timely manner.

Lifer Interviews

- L. Prisoners serving a non-parolable life sentence are not eligible for parole; however, they may be considered for reprieve, commutation or pardon in accordance with MCL 791.244. These prisoners, and all other prisoners serving a life sentence, shall be interviewed by one member of the Parole Board at the conclusion of ten calendar years of the life sentence even though they may not be eligible for parole at that time. Subsequent interviews shall be conducted at the discretion of the Parole Board; however, the Parole Board shall review each prisoner's file every five years after the initial interview to determine if an interview should be scheduled until the prisoner is granted a reprieve, commutation, pardon or, if applicable, parole. Notice of the five year review shall be provided at least 30 calendar days before the review takes place, using the Notice of Intent to Conduct a Parole Board Review for Prisoners Serving a Life Sentence form. After receiving a Notice, the prisoner may submit written statements or other documents to the Parole Board for consideration during the file review. All relevant written documents received by the Parole Board shall be retained in the prisoner's Central Office file. If the Parole Board decides not to interview the prisoner after the file review, it shall notify the prisoner of that decision using the Notice of Action/Parole Board (CAX-114).
- M. The Parole Board's decision not to interview a prisoner serving a life sentence, or not to proceed with a public hearing, is not a denial of parole. If the Parole Board is interested in considering an eligible prisoner for parole, it must first conduct a public hearing in accordance with MCL 791.244. A decision to grant or deny parole shall not occur until after the public hearing.

Notice of Intent to Conduct an Interview

- N. If a parole interview is to be conducted for a prisoner serving a life sentence, the Parole Board shall prepare and send to the prisoner a Notice of Intent to Conduct a Parole Board Interview for Prisoners Serving a Life Sentence (CAJ-227) at least 30 calendar days prior to the prisoner's parole interview date.
- O. For all other prisoners for whom a parole interview is to be conducted, the Parole Board shall prepare and send to the prisoner a Notice of Intent to Conduct a Parole Board Interview (CAX-227) at least 30 calendar days prior to the prisoner's parole interview date. The Notice shall include the specific issues that will be discussed at the interview and those that may serve as a basis for parole denial, unless the information is exempt pursuant to PD 01.06.110 "Freedom of Information Act - Access to Department Public Records".
- P. A prisoner may waive an interview by notifying the Parole Board in writing within 30 calendar days after the Notice was issued.

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- Q. If the Regional Medical Officer believes that a hospitalized prisoner's physical or mental health will preclude the prisoner from being interviewed, the Regional Medical Officer shall advise the Administrator of the Bureau of Health Care Services (BHCS) of this fact as soon as possible. If the BHCS Administrator concurs, s/he shall contact the Parole Board so that the interview can be rescheduled as necessary. The Parole Board shall be notified immediately when the prisoner's health permits an interview.

Interview Process

- R. Parole interviews are informal, non-adversarial proceedings. Although custody and security shall be maintained at all times, interviews shall be conducted with as much privacy provided as possible.
- S. The prisoner and a staff member familiar with classification and program matters shall be present at the interview. The staff member present at the interview shall assist the prisoner and the Parole Board by presenting or clarifying pertinent information in a fair and objective manner. Assistance also shall be provided as necessary to prisoners who are hearing-impaired or cannot adequately communicate in English. The prisoner also may have a representative of his/her choice present; however, representation shall not be by another prisoner or anyone less than 18 years of age. An attorney shall not be excluded as a representative solely because s/he is an attorney; however, as a representative, s/he may not provide legal representation at the interview. A prisoner cannot have appointed counsel at public expense at the interview.
- T. Except for good cause, the Parole Board member conducting an interview shall not have cast a vote in favor of or against the prisoner's parole prior to conducting the interview. The Parole Board member shall review the prisoner's Record Office or Counselor file, including the Pre-Sentence Investigation Report and the most recent Parole Eligibility/Lifer Review Report (CSJ-123), information pertinent to the issues identified in the Notice of Intent to Conduct a Parole Board Interview, and any additional reports requested by the Parole Board. At the interview, the Parole Board member shall discuss with the prisoner the nature and circumstances of the offenses for which s/he is serving, as well as any issues and concerns cited in the Notice of Intent. The prisoner shall be given reasonable opportunity to express his/her views.

PAROLE BOARD DECISION TO GRANT OR DENY PAROLE

- U. Parole Board decisions to grant or deny parole shall be based on the factors contained in Administrative Rule 791.7715, whether the prisoner cooperated in providing information regarding his/her financial assets as required pursuant to PD 04.02.140 "Reporting of Offender Assets", information provided to the Parole Board pursuant to MCL 780.751 (the Crime Victim's Rights Act), parole guideline scores developed in accordance with PD 06.05.100 "Parole Guidelines", the amount of disciplinary time accumulated by a prisoner serving a sentence subject to disciplinary time, and any other information, unless prohibited by law, which the Parole Board deems significant. This shall include relevant information from the prisoner's Counselor file, including the Pre-Sentence Investigation Report and the most recent Parole Eligibility/Lifer Review Report, information pertinent to the issues identified in the Notice of Intent to Conduct a Parole Board Interview, if applicable, and any additional reports requested by the Parole Board.
- V. Pursuant to MCL 791.234, the Parole Board also shall consider the following factors in determining whether to parole a prisoner who is serving for violating or conspiring to violate MCL 333.7401(2)(a)(I) of the Controlled Substances Act. The Parole Board's decision to grant or deny parole shall specifically address each of these factors in writing.
1. Whether the offense was part of a continuing series of violations of MCL 333.7401 or 333.7403 of the Controlled Substances Act by the prisoner.
 2. Whether the offense was committed in concert with five or more other individuals.

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3. Whether the prisoner was a principal administrator, organizer, or leader of an entity that s/he knew or had reason to know was organized, in whole or in part, to commit a violation of MCL 333.7401 or 333.7403 of the Controlled Substances Act, or an entity which committed a violation of those statutes, and whether the offense was committed to further the interests of that entity.
4. Whether the offense was committed in a drug-free school zone.
5. Whether the offense involved the delivery of, or possession with intent to deliver, a controlled substance to an individual under 17 years of age.

W. The Parole Board shall forward a final decision to grant or deny parole to the prisoner using the Parole Board Notice of Decision within 21 calendar days after the final decision is made except when not administratively possible, in which case it shall be sent as soon as possible. If additional information is needed to make a decision to grant or deny parole, the Parole Board may issue a deferral until such information is received. The reasons for the deferral shall be set forth on the Notice of Action/Parole Board.

Decisions to Deny Parole

- X. Whenever parole is denied, the Parole Board Notice of Decision shall set forth the reasons for that decision and, if appropriate, what corrective action the prisoner may take to improve the probability of being granted a parole in the future. A denial of parole shall not be based on reasons other than those identified in the appropriate Notice of Intent to Conduct an Interview, except for good cause stated to the prisoner at or before the interview and accompanied by a written explanation. Prisoners who are denied parole shall be reconsidered at 12, 18 or 24 months, as determined by majority vote of the Parole Board or a panel of the Board; however, the Parole Board may reconsider a prisoner at 60 months under the following circumstances:
1. The prisoner was convicted of an offense while on parole which was committed after July 13, 2004 and involved the prisoner owning or possessing a firearm or, without authorization, being in the company of a person who the prisoner knew possessed a firearm. In such cases, the prisoner may be reconsidered when s/he has served 60 months of that sentence.
 2. The prisoner had a prior parole revoked for violating a condition of parole prohibiting ownership or possession of a firearm, including having a firearm under his/her control, or being in the unauthorized company of a person who the parolee knew to possess a firearm. In such cases, the prisoner may be reconsidered 60 months after the prisoner was available to be returned to the Department for the violation if the violation occurred after July 13, 2004.

For the purposes identified in number 1 and 2 above, a firearm is considered to be any weapon capable of firing a missile of any type, including BB shot, and includes an imitation firearm and a simulation of a firearm.

Decisions to Grant Parole

- Y. Whenever parole is granted, the Parole Board Notice of Decision shall include the proposed parole release date. Prisoners granted parole shall be processed for release in accordance with Paragraphs HH through SS of this policy.
- Z. After receipt of the Parole Board Notice of Decision, the Manager of the Parole Release Unit in the Office of Field Programs (OFP), Field Operations Administration (FOA), shall ensure that a pre-parole investigation is conducted for each prisoner granted a parole to determine the suitability of the prisoner's proposed placement. Parole placement shall be in an area where the prisoner has ties to the community or, if the prisoner does not have ties to a specific community, in the county of commitment,

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unless specialized placement (e.g., nursing home) is needed which cannot be provided in such areas. The pre-parole investigation shall include visiting the proposed placement to determine its suitability. All relevant information, including the interests of the prisoner and the community, shall be considered in making this determination. The following factors shall be specifically evaluated, taking into account all conditions of parole ordered by the Parole Board:

1. General character of the neighborhood of the proposed placement.
2. Attitude toward the prisoner in the general community of the proposed placement.
3. Physical aspects of the home environment.
4. Attitude of the home occupants toward the prisoner.
5. Willingness of the home occupants to cooperate with the field agent.
6. Ability of the head of the household to financially support the prisoner, if necessary.
7. Criminal record of home occupants.
8. Alcohol or drug abuse by home occupants.
9. Presence of weapons in the home environment.
10. Whether the prisoner's physical and mental health care needs can be met.

AA. The pre-parole investigation shall be completed sufficiently prior to the parole release date identified in the Parole Board Notice of Action to allow for parole release as specified in the Notice. If suitable placement cannot be identified, the case shall be referred to the Parole Board for review.

BB. Prior to the release of a prisoner on parole, the Manager of the Parole Release Unit or designee shall verify through the Department's computerized database (e.g., CMIS, OMNI) that the prisoner does not have any documented detainers, pending charges or felony suspect information, and that there is no other adverse information (e.g., misconducts) which was not previously brought to the attention of the Parole Board. If such information exists, the Manager of the Parole Release Unit shall ensure that the case is referred to the Parole Board for review.

CC. A Parole Board Order for Parole (CAX-119), signed by the Parole Board Chair, shall be issued prior to the release of a prisoner on parole. However, the Order shall not be issued until at least 28 calendar days after a copy of the Parole Board Notice of Decision is mailed to the appropriate prosecuting attorney and, as required by PD 01.06.120 "Victim Notification", to the victim(s). Written notice of the Order shall be given to the law enforcement agency for the county in which the prisoner was convicted and for the county to which the prisoner will parole.

DD. The Parole Board Order for Parole shall indicate the date the prisoner is to be released on parole and the length of the parole period. The parole period shall not extend beyond the prisoner's maximum sentence (i.e., discharge date). If a prisoner serving a life sentence is granted parole, the parole period shall not be for less than four years. If a prisoner serving a sentence for any of the following, including a habitual offender whose underlying offense is one of the following, is granted parole, the parole period shall be for not less than two years unless the time remaining to be served on the maximum sentence is less than two years:

1. MCL 750.317 (murder in the second degree);
2. MCL 750.520b (first degree criminal sexual conduct);

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3. MCL 750.520c (second degree criminal sexual conduct);
4. MCL 750.520d (third degree criminal sexual conduct);
5. MCL 750.520f (second or subsequent offense - criminal sexual conduct);
6. MCL 750.529 (robbery armed);
7. MCL 750.349 or 750.350 (kidnapping);
8. MCL 750.213 (extortion);
9. MCL 750.110 (breaking and entering) if the offense involved an occupied dwelling and was committed at night;
10. MCL 750.110a (home invasion) if the offense involved an occupied dwelling and was committed at night.

EE. The Parole Board Order for Parole shall set forth any special conditions for parole ordered by the Parole Board, including those specifically required pursuant to MCL 791.236. Whenever a special condition is intended to protect any individual, the condition shall be entered on the Department's computerized database, accessible by LEIN. If parole is revoked, the special condition shall be removed from the Department's computerized database within three business days.

FF. If a prisoner serving for violating or conspiring to violate MCL 333.7401(2)(a)(i), MCL 333.7401(2)(a)(ii), MCL 333.7403(2)(a)(i) or MCL 333.7403(2)(a)(ii) of the Controlled Substances Act is granted a parole, the Parole Board Order for Parole shall contain a notice to the prisoner that his/her parole will be revoked if s/he is convicted for committing or conspiring to commit a violation of the Controlled Substances Act (MCL 333.7401, et seq.) that is punishable by imprisonment for four or more years or if s/he is convicted for committing a violent felony while on parole. Attachment B identifies those offenses which are considered violent felonies under MCL 791.236.

GG. If a prisoner is paroling to detainer, the Parole Board Order for Parole shall identify the prisoner's parole obligations if s/he is released from the detaining agency's custody prior to the expiration of the parole period.

PAROLE RELEASE PROCESSING

HH. Each Warden and, for prisoners in Community Residential Programs (CRP), the appropriate FOA Manager shall ensure prisoners under his/her supervision who are granted parole, including those temporarily housed in the Center for Forensic Psychiatry or another non-department facility (e.g., jail, hospital), are released in accordance with this policy. The Deputy Director of Correctional Facilities Administration (CFA) or designee shall be responsible for prisoners who are transferred to another jurisdiction to serve their Michigan sentence.

II. The Parole Board shall be notified immediately whenever new information is received that may affect the prisoner's eligibility for parole (e.g., misconducts as identified by the Parole Board Chair). In addition, the Parole Board shall be notified immediately if new information is received which may affect the prisoner's release on parole (e.g., physical or mental disability).

JJ. The Parole Processing Checklist (CSJ-169) shall be used to ensure proper parole release processing. The Records Administrator, Administration and Programs (A&P), shall be responsible for the Record Office responsibilities set forth in this section for prisoners who are transferred to another jurisdiction to serve their Michigan sentence.

KK. Pursuant to MCL 791.233, a prisoner serving a minimum sentence of two years or more for an offense

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committed after December 15, 1998 shall not be released on parole unless s/he has either a high school diploma or General Education Development (GED) certificate, or is exempt from this educational requirement consistent with the requirements set forth in PD 05.02.112 "Education Programs for Prisoners". However, for prisoners in CRP, the OFP Administrator or designee shall be responsible for completing the GED Completion Exemption Form (CAJ-789) and making the final decision on the exemption. Upon receipt of a Parole Board Notice of Decision granting parole to a prisoner subject to this statutory requirement, the Warden, OFP Administrator, or designee shall verify whether the prisoner has a documented high school diploma or GED certificate or is exempt from this requirement. This shall include screening a prisoner to determine if s/he is exempt if the prisoner has not been screened previously. The Warden, OFP Administrator, or designee shall notify the Parole Board immediately if the prisoner does not have a documented high school diploma or GED certificate and is not exempt from this requirement. In such cases, the prisoner shall not be released on parole.

LL. Pursuant to MCL 791.233d, a prisoner shall not be released on parole unless s/he has provided a DNA sample. Upon receipt of a Parole Board Notice of Decision granting parole, the Warden or appropriate FOA Manager shall ensure that the prisoner has provided a DNA sample. If the sample has not been collected, the prisoner shall be referred to have it collected by health care staff or, if health care staff is not on-site when the sample is required to be collected, by other trained facility staff as designated in facility procedures. A DNA Sample - Collection Record (CHJ-269) shall be completed indicating the prisoner's compliance with or refusal to provide the sample. If the prisoner refuses to provide the sample, the Warden, appropriate FOA Manager, or designee shall notify the Parole Board immediately. In such cases, the prisoner shall not be released on parole. The Warden or appropriate FOA Manager shall ensure that the Parole Board is notified if the sample is subsequently taken.

MM. The appropriate Record Office Supervisor shall ensure that the following is completed upon receipt of the Parole Board Order for Parole and within 24 hours prior to release:

1. If the prisoner is paroling on his/her parole eligibility date, verify that the parole eligibility date has been calculated correctly upon receipt of the Order; the date shall be checked within 24 hours prior to release to determine whether it has changed. The Parole Board shall be notified immediately of any change in the prisoner's parole eligibility date that affects the prisoner's eligibility for parole. The Records Administrator shall independently verify the parole eligibility date of prisoner's paroling pursuant to Paragraph F prior to the prisoner's release on parole.
2. The prisoner's Record Office or Central Office file, as appropriate, the Department's computerized database (CMIS; OMNI), and LEIN shall be checked to determine whether there is a detainer, an active pending charge, active felony suspect information or a personal protection order (PPO), including a child abuse prevention order, that was not previously brought to the Parole Board's attention. If there is a detainer, active pending charge or active felony information, staff shall immediately notify the issuing agency of the scheduled parole release date. For a pending charge and felony suspect information, staff shall request the agency to either issue a detainer or withdraw interest in the case as soon as possible. Staff shall immediately notify the Parole Board whenever a pending charge or felony suspect information cannot be cleared, or there is a new detainer or PPO. The Parole Board shall determine whether to parole the prisoner as scheduled, including to any detainer, or to suspend the parole; however, if the information is discovered on a non-business day and the prisoner is scheduled to parole before the next business day, the parole shall not be processed until a determination is made by the Parole Board, except if the detainer or charge is based on any of the following:
 - a. A traffic law violation (MCL 257.601-257.750), unless the prisoner is serving for violation of MCL 257.625 and the detainer or charge is for a violation of MCL 257.625.
 - b. A civil infraction.

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c. Paternity/non-support.

If the prisoner is paroled as scheduled, the Parole Board shall notify the Parole Supervision Unit of the new information to ensure that the matter is appropriately addressed during the parole period.

- NN. If a prisoner is paroling to detainer, Record Office staff shall make arrangements with the agency that lodged the detainer to take custody of the prisoner upon release. The Parole Release Unit shall be contacted if such arrangements cannot be made.
- OO. If a prisoner registered under the Sex Offenders Registration Act is paroling to another state, staff shall report the prisoner's new address to the Michigan State Police under the circumstances identified in PD 01.06.115 "Sex Offenders Registration Act".
- PP. If a LEIN or file check discloses that a paroling prisoner has a PPO, including a child abuse prevention order, filed against him/her, and the address and/or telephone number of the person who obtained the PPO is included with the information on the PPO, the Record Office Supervisor or designee shall immediately provide that information to the Crime Victim Services Unit; that Unit shall attempt to notify that person of the prisoner's parole date in writing, if only the address is identified, and by telephone, if the telephone number is identified, unless notification was requested and will be provided pursuant to PD 01.06.120 "Crime Victim Notification". The Record Office Supervisor or designee also shall immediately notify the appropriate law enforcement agency via LEIN of the prisoner's parole date and the existence of the PPO and, unless notification will be provided pursuant to PD 01.06.120, request that agency to notify the person who obtained the PPO of the parole date. All attempts to contact the person who obtained the PPO and contacts with law enforcement shall be documented in the prisoner's Central Office or Record Office file.
- QQ. Prior to release, each prisoner shall read or have read to him/her the Prisoner Pre-Release Notice (form CSJ-290), which shall be signed by the prisoner and witnessed by staff. A copy of the completed form shall be provided to the prisoner.
- RR. Except if paroling to detainer, a prisoner shall be given the following upon release:
1. Clothing, in accordance with PD 04.07.110 "State Issued Items and Cell/Room Furnishings for Prisoners".
 2. The balance in his/her institutional account if paroling from a CFA institution, in accordance with PD 04.02.105 "Prisoner Funds".
 3. A parole loan in accordance with PD 06.02.120 "Parole Loans", if eligible.
 4. Transportation at Department expense to a location as close as possible to the place in the state where the prisoner will parole, if the prisoner is unable to arrange transportation. Transportation shall be via the most economical public transportation available to the location. The Warden or appropriate FOA Manager shall ensure that the appropriate ticket(s) are purchased for the prisoner, that staff escort the prisoner to the point of embarkation, and that the prisoner's departure from that site is confirmed.
- SS. Except for the reasons set forth in Paragraph MM, no. 2, a prisoner whose parole date is on a Saturday, Sunday or holiday shall be released on that day; the prisoner shall not be held until the next business day and shall not be released early. Any necessary paperwork, file checks, issuance of funds and clothing may be completed on the business day immediately preceding the parole date; however, required LEIN checks shall be conducted no more than 24 hours prior to the parole date.

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PAROLE SUSPENSIONS AND RESCISSIONS

- TT. If new information regarding a prisoner is received by the Parole Board after a parole has been ordered but before the prisoner is released on parole, the Parole Board may suspend the prisoner's parole. A Notice of Action/Parole Board shall be issued whenever a parole is suspended indicating the reasons for the suspension, and the FOA field office that conducted the pre-parole investigation notified of the suspension. The Parole Board shall conduct an interview with the prisoner within 45 calendar days after receiving the new information to consider whether to grant or deny parole in accordance with this policy.
- UU. If new information is received by the Parole Board after a prisoner is released on parole regarding his/her behavior prior to release, the Parole Board may rescind the parole; however, a parole may not be rescinded unless the Parole Board conducts an interview with the prisoner to consider whether to grant or deny parole in accordance with this policy within 45 calendar days after receiving the new information. At least ten calendar days prior to the interview, the parolee shall receive a Notice of Action/Parole Board which shall include a summary of the new information received which led to the rescission interview.

PAROLE REVOCATION

- VV. Parolees must comply with all parole rules and special conditions issued by the Parole Board. If a parolee violates a rule or condition of parole, parole may be revoked as set forth in PD 06.06.100 "Parole Violation Process".

PAROLE CANCELLATION

- WW. If the Parole Board cancels a prisoner's prior Parole Board Order for Discharge from Sentence pursuant to PD 03.01.135 "Discharge/Termination of Sentence" as a result of a felony committed by the prisoner while on parole, the Parole Board shall notify the prisoner in writing of the cancellation, including the reason for the cancellation. If the prisoner does not agree that the felony was committed while s/he was on parole, s/he may request a Parole Board interview on the cancellation. The Parole Board interview shall be conducted within 45 calendar days after receiving the request or as soon thereafter as practicable.

PAROLE REMINDER FORMS

- XX. A prisoner may inform the Parole Board of its failure to meet a deadline for scheduling an interview, reporting a final decision or carrying out an ordered release by submitting a Parole Reminder Form (CSJ-473) to the Parole Board. These forms shall be available to prisoners in their housing units and in corrections centers.

GRIEVANCES

- YY. The decision to deny, rescind or suspend parole, not to proceed with a lifer interview, or not to proceed with a public hearing cannot be grieved. However, failure to follow the parole process as outlined in this and other policy directives may be grieved in accordance with PD 03.02.130 "Prisoner/Parolee Grievances".

OPERATING PROCEDURES

- ZZ. Each Warden and the FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

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AUDIT ELEMENTS

AAA. A Primary Audit Elements List has been developed and will be provided to Wardens and the FOA Deputy Director to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

ATTACHMENTS

BBB. This policy includes the following attachments:

1. Attachment A – Serious Offenses
2. Attachment B – Violent Felonies

PLC:OPH:07/28/05

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ATTACHMENT A

SERIOUS OFFENSES

<u>MCL</u>	<u>DESCRIPTION</u>
750.83	Assault with intent to commit murder
750.84	Assault with intent to do great bodily harm less than murder
750.86	Assault with intent to maim
750.87	Assault with intent to commit felony not otherwise punished
750.88	Assault with intent to rob and steal; unarmed
750.89	Assault with intent to rob and steal; armed
750.316	First degree murder
750.317	Second degree murder
750.321	Manslaughter
750.349	Kidnaping
750.349a	Prisoner taking another as a hostage
750.350	Kidnaping; child under 14
750.397	Mayhem
750.520b	First degree criminal sexual conduct
750.520c	Second degree criminal sexual conduct
750.520d	Third degree criminal sexual conduct
750.520g	Assault with intent to commit criminal sexual conduct
750.529	Armed robbery; aggravated assault
750.529a	Carjacking
750.530	Unarmed robbery

■ Any violation of, or conspiracy to violate, the Controlled Substances Act (MCL 333.7401, et seq.) that is punishable by imprisonment for four or more years.

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ATTACHMENT B

VIOLENT FELONIES

<u>MCL</u>	<u>DESCRIPTION</u>
750.82	Felonious assault
750.83	Assault with intent to commit murder
750.84	Assault with intent to do great bodily harm less than murder
750.86	Assault with intent to maim
750.87	Assault with intent to commit felony not otherwise punished
750.88	Assault with intent to rob and steal; unarmed
750.89	Assault with intent to rob and steal; armed
750.316	First degree murder
750.317	Second degree murder
750.321	Manslaughter
750.349	Kidnaping
750.349a	Prisoner taking another as a hostage
750.350	Kidnaping; child under 14
750.397	Mayhem
750.520b	First degree criminal sexual conduct
750.520c	Second degree criminal sexual conduct
750.520d	Third degree criminal sexual conduct
750.520e	Fourth degree criminal sexual conduct
750.520g	Assault with intent to commit criminal sexual conduct
750.529	Armed robbery; aggravated assault
750.529a	Carjacking
750.530	Unarmed robbery